

**DECLARATION OF MICHAEL DENNEHY**

STATE OF COLORADO                    )  
  )ss.  
COUNTY OF GRAND                    )

This day appeared before the undersigned authority, Michael Dennehy, who after being duly sworn, did depose and say the following:

1.       My name is Michael Dennehy. I am a professional political strategist employed at Dennehy & Bouley, a bipartisan government and public affairs firm based in New Hampshire. I am over the age of 21 and, if asked to do so, could testify competently as follows.

2.       I am being offered by Defendant, President Donald Trump, as an expert witness in Republican politics, with more than three decades of professional experience in the field. During that time, I have served as, among other things, a member of the Republican National Committee in Washington, DC; Executive Director of the Straight Talk America PAC in Washington, DC, and the National Political Director for Sen. John McCain's 2008 Presidential campaign which was based in Arlington, VA. I have also served as a political strategist for the Presidential campaigns of Senator Phil Gramm of Texas, Governor Haley Barbour of Mississippi, and Governor Rick Perry of Texas. A true and correct copy of my curriculum vitae is attached as Exhibit A.

3.       In short, I have more than three decades of experience as a professional political strategist specializing in political campaigns, encompassing the nuts and bolts of campaign management. This responsibility has specifically involved assessing and advising clients on their prospects for success in elections, including Republican Presidential primaries, based on numerous factors such as: a candidate's performance at public events, development of statewide

support networks and campaign infrastructure, ability to garner “earned media,” execution of paid media, fundraising and polling data.

4. I have been asked by President Trump’s counsel to give my opinion, based on my review of Mr. Castro’s campaign website, his FEC filings, publicly available polling data, my observations of his (apparently essentially non-existent) national campaign, and my experience, on the prospects of Plaintiff John Anthony Castro (measured in primary votes, convention delegates, and campaign donations) in the upcoming Republican Presidential primary process assuming either (a) that President Trump, as expected, runs in the upcoming Republican Presidential primary or (b) that President Trump does not run in the upcoming Republican Presidential primary.

5. I am being compensated for my work on this matter at my normal hourly rate of \$400.00.

6. I begin with a review of the materials outlined in paragraph 3, which provide useful information that political professionals like myself use in evaluating a candidate’s seriousness and likely prospects.

### **Castro Website Is Amateurish**

7. First, Mr. Castro’s official presidential campaign website—<https://johncastro.com>—is generic, incomplete, amateurish, and even contains material for one of his other campaigns. I’ve seen campaigns for city council and state representative that are more professional. For example, although the website claims to have “concrete plans for real life problems you have,” <https://johncastro.com/the-vision>, it lists just four issues. The text for three of them—Energy Independence Jobs, Healthcare for All, and Tax-Free Retirement—begins with the statement “details coming soon.” The details have apparently been coming “soon” for some

time as each also includes the notation: “\*Please note that this special election arose because of the unexpected passing of our current Congressman. I had originally intended to have this policy position ready by August in preparation of the Primary Campaign. I am doing my best to complete this as soon as possible.” This proves that these policy planks have been left unfilled for more than two years, because the only special election Mr. Castro ran in—unsuccessfully—was to succeed the late Congressman Ron Wright. Congressman Wright died in office in February 2021 and the blanket primary special election that Mr. Castro lost in was held on May 1, 2021.

8. By way of another example of the amateurish quality of Mr. Castro’s campaign website, the upper right corner of each page of the website contains a link entitled “**En Español.**” But clicking on that link simply brings the user to a page that contains the words “**En Español**” in larger text against a black background with no other Spanish language content on the page. <https://johncastro.com/en-espanol>. Every serious candidate for President knows the importance of a campaign website which is why they all have a welcoming video, a press/media section, and importantly, a specific volunteer page where voters can connect directly with the campaign.

9. A website is arguably the most important communication tool in a national political campaign. Serious candidates spend months working on a site before it is launched because it is the most public facing, educational, and informative medium for a candidate for national office. The Castro site is incomplete and rudimentary at best making it an unserious and useless campaign tool.

**FEC Filings Illustrate Unserious Campaign**

10. Mr. Castro's principal campaign committee is named Castro for America. Its filings with the Federal Election Commission also indicate serious issues with his campaign. Attached hereto as Exhibits B - H are true and correct copies of all of the FEC filings associated with Mr. Castro's campaign, downloaded from the FEC's website.

11. Mr. Castro is one of approximately 300 to date who have filed papers with the FEC indicating that they intend to run for President this cycle. This happens every cycle and the vast majority are not serious candidates.

12. Significant information about a campaign's seriousness can be gleaned from its FEC filings. In Mr. Castro's case, his committee's filing for the third quarter of 2023 (Exhibit F) shows that as of September 30, 2023, his committee had taken in a grand total of \$678 in contributions. This is not consistent with running a serious presidential campaign.

13. During his appearance in the Federal Court in New Hampshire on October 20, 2023, which I attended and testified at, when questioned about his lack of campaign funding, Mr. Castro indicated he would be willing to loan his campaign between \$100,000.00 and \$250,000.00. Even if he actually follows through on that loan, that amount would be only a fraction of what is necessary to run a serious campaign for President of the United States. Moreover, it would cost Mr. Castro \$226,000.00 simply to qualify for the ballot in the first ten Republican nominating contests. (True and correct copies of the relevant state party rules listing filing fees is attached as Exhibits R through CC).

14. In my opinion, a legitimate national political campaign would cost well over \$20,000,000.00. In fact, in my experience working with nearly 50 congressional campaigns through the years, even most campaigns for United States Congress cost over \$1,000,000.00.

15. In addition, Mr. Castro's FEC filing shows a total of \$0 in expenditures. The lack of any claimed expenditures indicates a non-serious campaign, as it is simply impossible to run a legitimate presidential campaign without spending any money.

16. The fact that Mr. Castro is claiming under the penalty of perjury that he is incurring "expenses associated with campaigning" (CM/ECF # 68) but is not reporting those expenses to the FEC is a serious campaign violation. This causes me to believe that he is not running a serious campaign and is simply trying to make unsubstantiated statements in an attempt to manufacture standing in this Court so that he can gain notoriety as the individual who is suing President Trump in 36 state and federal courts around the nation.

#### **FEC Violations**

17. During the New Hampshire hearing, Mr. Castro acknowledged that his FEC filings were inaccurate in this regard, at least in as much as they omit his litigation costs and related travel expenses. Furthermore, during his appearance in Federal Court in New Hampshire on October 20, 2023, Mr. Castro stated he was not the Treasurer of his own Campaign Committee, and, rather, that it was his brother-in-law, Alfonso Garza. (A true and correct copy of the transcript of that hearing is attached as Exhibit I). Yet, Mr. Castro has signed and continues to sign all of his campaign's FEC filings as Treasurer. He stated during his New Hampshire appearance that he would consider correcting this with the FEC, but, he has yet to do so.

18. Following the New Hampshire hearing, Mr. Castro did correct his campaign's first quarter 2023 filing (Exhibit G), which he had previously amended once before (Exhibit D). Those filings had purported to show a fictitious \$20,000,000.00 loan from Mr. Castro to his campaign. During the New Hampshire hearing, Mr. Castro admitted on cross-examination that no such loan was ever made. The second amended version of the first quarter 2023 campaign

finance report (Exhibit G) now omits that fake loan entirely. Additionally, he again knowingly and falsely signed the recent amendment as Treasurer.

19. That Mr. Castro admits his FEC filings are inaccurate raises the specter of election law violations. Following Federal Election Commission law is the most basic element of a national presidential campaign. No serious candidate for President can be the Treasurer of their own Campaign Committee and continue to consistently violate basic FEC laws.

**Mr. Castro Lacks Any Campaign Activity**

20. As noted, Mr. Castro's campaign finance filings and website show no indication that he has spent a single dollar on campaign infrastructure in any early primary state. Likewise, I have not observed any indication that he has any significant campaign infrastructure on the ground in any of the early primary states—Iowa, New Hampshire, Nevada, or South Carolina—or, for that matter, in any other state. Nor have I seen or heard about any serious advertising campaign in the early primary states—or any other state. Additionally, I am not aware that he has hired any campaign workers, opened any campaign headquarters or offices, nor held any events or otherwise campaigned in any serious way in the early primary states—or any other state. Based on everything I have seen (or, more accurately, not seen), he has no significant presence in any of the early primary states, or any other state.

21. In my experience, even a well-known candidate who does not establish a strong presence and ground game in the early primary states will not attract significant voting support. For a political unknown like Mr. Castro to completely forego both basic retail politics and any form of active campaigning means that his campaign has zero chance of success, whether chance of success be defined in terms of attracting the support of anything more than a minimal protest

vote, securing any substantial amount of campaign donations, or winning one or more delegates to the Republican nominating convention.

22. If he has no campaign in the early primary states, thereby resulting in zero success, he will most certainly have no success in West Virginia's Republican presidential primary on May 14, 2023, or any other presidential primary contest, because a successful national presidential campaign is built on previous victories in prior primaries. In this connection, it is instructive to note that a current candidate for President, Ryan Binkley of Texas, has loaned himself over \$6,000,000.00 and spent over \$7,000,000.00 (A true and correct copy of his 3rd Quarter FEC report is attached as Exhibit J) but has yet to register in any state or national poll. In fact, Mr. Binkley is not even included in the list of candidates when national surveys are conducted. This is the result of not having an active campaign on the ground with a staff and an organized support network.

### **Arizona**

23. Mr. Castro states in his November 16 affidavit in the State of Arizona (A true and correct copy is attached as Exhibit K) that he has secured a contract for billboard advertising during the period of November 13, 2023, through December 10, 2023, for \$4,150.00.

24. In my 30 years of professional experience, I can state that billboard advertising is the worst and most ineffective means of political advertising especially in a primary campaign. This is exacerbated by the incompetence of Mr. Castro's advertising campaign.

25. First, Mr. Castro's billboard advertises only his name and the office of President, nothing about his potential candidacy, so a prospective voter learns nothing from the ad.

26. Second, primaries are about targeting specific segments of voters with a message and billboards cannot target thereby making the ad tremendously wasteful.

27. Third, spending money to put up a single billboard on a small corner of one intersection for a very large statewide presidential campaign where as many as 750,000 voters will turnout in an election is simply an illogical decision.

28. Further, the worst time to advertise is during the holiday season and then stop with four months before the primary election is held. Yet, that is what Mr. Castro's advertising documents show that he has arranged to do.

29. I would never advise a candidate to advertise on billboards in any way certainly not in the way that Mr. Castro has done if the goal were to advance a serious campaign strategy rather than pretend to have a campaign activity for litigation purposes.

#### **West Virginia**

30. As previously noted, Mr. Castro claims in his November 1 affidavit (CM/ECF #68) that he has "launched by own [sic] online show called the Truth Addict, and have digitally targeted voters in this state." However, he has not offered any proof or verification of these advertisements, as he did in his Arizona filing for a billboard, and there has been no evidence of this advertising, nor that it's been effective or made any impact.

31. To further this point, Benjean Rapp, Chair of all Republican County Chairs in the State of West Virginia, stated in her declaration (as filed by West Virginia GOP), "Despite my daily intricate involvement with voters and activists in West Virginia, I cannot recall having ever heard of John Castro, or being made aware of any campaign efforts, or support for him relating to the Republican nomination for President of the United States."

32. With respect to Mr. Castro's podcast, this is an extremely ineffective and wasteful form of communication for someone without any name recognition or heavily paid advertising strategy to build support for a podcast. In my years of professional experience placing candidates



and advertising on podcasts, one does not gain listenership just by recording a podcast and publishing it. It takes years of positive exposure, as is the case with Joe Rogan's podcast titled "The Joe Rogan Experience"—Mr. Rogan was a well-known actor, comedian, MMA commentator, and television host before launching a podcast—or millions of dollars in advertising to push voters to a podcast. Mr. Castro's effort is not a serious campaign strategy for a candidate for President of the United States.

### **The Purported "Earned Media Coverage"**

33. I have considered Mr. Castro's assertion in this case that he has garnered "earned media coverage" and that this somehow makes him a viable candidate. With respect to his claim that this is significant, it is well documented and proven through national polling that the type of "earned media" he relies on was very likely not even seen by Republican primary voters. According to a survey conducted by the New York Times in July of this year (A true and correct copy of an article reporting on that survey is attached as Exhibit L), only 2% of Republican voters get their news from CNN, only 2% of Republican voters get their news from national print or online news organizations like the NY Times, Politico, The Hill, Newsweek, The Washington Times, etc. and less than .5% of Republican voters get their news from local organizations like The Oklahoman, Bangor Daily News, WV News, Nebraska Examiner, etc. This type of "earned media coverage" is more indicative of a Democrat campaign and illustrates a complete lack of understanding and seriousness of a national Republican candidate for President, in addition to an ineffective one that cannot succeed. I would never advise my Republican political clients to focus on seeking out media exposure from these news sources in a primary campaign because it would be wasted effort.

34. To be clear, even setting aside the fact that the publications in which his “earned media” appears are targeted to the wrong demographic, it is also the wrong kind of coverage to be effective in a Republican primary campaign. Almost uniformly, it focuses on Mr. Castro’s legal crusade against Donald Trump. For media coverage to be effective in driving a political campaign in a Republican primary, the coverage must be more substantive based in conservative policy, allowing the candidate to connect with voters on the issues that they care about. And it must be frequent and repeated. As I discuss below, polling and the relative lack of success of such anti-Trump Republican candidates as Chris Christie and Asa Hutchinson—both established politicians with actual track records of public service as governors of their states, an understanding of retail politics and successful campaigning, and substantially better funding and resources than Mr. Castro—strongly suggests that the vast majority of Republican primary voters are simply not interested in an anti-Trump message.

**Castro “Earned Media Coverage” Valued at \$250.00**

35. Mr. Castro makes an outlandish claim in his November 8, 2023, filing in the State of New York (A true and correct copy is attached as Exhibit M) that he has unpaid media coverage that is valued at \$5,000,000.00 without any proof to verify this dollar figure. Value for any campaign advertising, paid or unpaid, can only be estimated by the return on the investment. Politically, that return can only be calculated by national name recognition, national support in polling, or national donations to the campaign. As is explained in detail in the next section, Mr. Castro has no national name recognition, he does not register in any national poll, and he has only received \$678 in donations to his campaign as of September 30, 2023. Thus, the real and true value of any so-called earned media coverage is at most approximately \$250.00 (two-

hundred fifty dollars), not even close to the claim of \$5,000,000.00—an estimated value that Mr. Castro nowhere explains or justifies.

**Mr. Castro Does Not Register In Polling**

36. Realclearpolitics.com, a commonly used source for obtaining recent political polling data, shows information for 38 national polls conducted since October 1, 2023, in the Republican presidential primary. I have reviewed those polls and not a single one shows *any* support for—nor even mentions—Mr. Castro. Exhibit N is a true and correct copy of a table printed from Realclearpolitics.com that provides the summary results of more than 100 national Republican primary election polls conducted over the course of the past year by major pollsters. This polling data indicates to me that Mr. Castro has no name recognition or support among Republican primary voters in any state across the country. Mr. Castro may complain that this is a product of pollsters not taking him or his campaign seriously, but that is entirely understandable given his lack of a track record, political support, infrastructure, funding, or ballot qualification.

37. Further, I note that Mr. Castro has claimed in a November 16, 2023 filing in the State of West Virginia (CM/ECF #73) that “the Washington Post, Newsweek, and other news agencies agreed to stop referring to Plaintiff as a longshot since he now has more name recognition than Asa Hutchison [sic] and Doug Burgum among Republican voters.” However, Mr. Castro offers no proof to verify his claim. In fact, and to the contrary, in a November 8, 2023, story in the Washington Post (A true and correct copy is attached as Exhibit O) Mr. Castro is indeed again referred to as “long-shot presidential candidate”.

38. Furthermore, in a Washington Examiner news article on November 17, 2023 (A true and correct copy is attached as Exhibit P), Mr. Castro is referred to as “lesser-known

Republican candidate John Anthony Casey”. This illustrates that he is such an unknown candidate that the Washington Examiner doesn’t even know his correct name.

39. Additionally, Mr. Castro does not even register in a single one of the eight national polls released since November 1, while Governor Doug Burgum registers as much as 3% and Asa Hutchison as much as 1%. (Exhibit N).

40. It is ludicrous to assert that a political unknown like Mr. Castro, who is not a serious candidate, does not have an active campaign in any state in the country, and has only qualified for the ballot in one of the first ten primary states, has more name recognition than Asa Hutchinson, who is a former congressman, Administrator of the US Drug Enforcement Administration, the first Undersecretary of the Homeland Security for Border Protection, and former two-term Governor of Arkansas, and Doug Burgum, who is two-term Governor of North Dakota. I note that, Governor Burgum who, according to his 3rd Quarter FEC report (a true and correct copy of which is attached as Exhibit Q) has raised and spent over \$12 million dollars, the bulk of it on advertising, to build up his name identification and he appeared on the stage for several of the national Republican primary debates this year.

41. Mr. Castro’s grandiose claims are unsupported, contrary to the observed facts (e.g. the polling), and improbable in the extreme. Even if it were true, however, that some media outlets had agreed to stop referring to Mr. Castro as a longshot, that would not change the fact that he remains a non-viable candidate.

**Mr. Castro Is Not A National Candidate For President**

42. Additionally, and perhaps most significantly, with respect to Mr. Castro’s claims of being a national candidate for President, there simply is no denying the state-by-state facts which contradict this assertion. Among the first ten state Republican Presidential nominating

contests where delegates to the convention are allocated, Mr. Castro has only qualified for one and offers no evidence suggesting any reason to believe that he can be a viable candidate in any.

- a. **Iowa Caucus – January 15, 2024.** There are no requirements for a candidate to participate in the caucus, but Mr. Castro has no activity and thus no campaign staff to help drive caucus turnout. As Time Magazine explains (a true and correct copy of which is attached as Exhibit R), a caucus voter arrives and checks in to the location: “caucus-goers simply walk over and stand in the part of the room designated to their first-choice candidate.” Without a campaign organization, Mr. Castro will have no one to attend a caucus and thus he will receive zero votes. Tellingly, local Iowa television announced all the candidates on November 14, 2023, and included long shot candidate David Stuckenberg, but not Mr. Castro (a true and correct copy of the media report and caucus rules attached as Exhibit S).
- b. **New Hampshire Primary – January 23, 2024. On the ballot.** Mr. Castro paid the \$1,000.00 fee to be placed on the ballot. He has no perceivable campaign activity, and he is polling at zero.
- c. **Nevada Caucus – February 8, 2024. Not on caucus ballot.** The Nevada Caucus allocates nominating delegates to the Republican National Convention – NOT the Nevada Primary. Mr. Castro did not pay the \$55,000.00 fee to qualify for the caucus ballot (a true and correct copy of the media report is attached as Exhibit T).
- d. **Virgin Islands Caucus – February 8, 2024. Not yet paid the fee to be on the ballot.** Mr. Castro has not yet paid the \$50,000.00 fee to qualify for the

ballot (a true and correct copy of the Republican Party candidate list is attached as Exhibit U).

- e. **South Carolina Primary – February 24, 2024. Not yet paid the fee to be on the ballot.** Mr. Castro initially filed the necessary paperwork and paid the \$50,000.00 fee to appear on the South Carolina ballot, but it is my understanding, based upon Mr. Castro's statement in his recent filing in South Carolina (a true and correct copy of which is attached as Exhibit V) that Mr. Castro has cancelled payment on his South Carolina filing fee, leaving his qualification in jeopardy unless he prevails on his Fifth Amendment challenge to the South Carolina GOP's filing fee. Mr. Castro states that the reason that he stopped payment on his check was that the New Hampshire court found that he lacked standing to pursue his lawsuit in that state against President Trump. It is not clear why a lack of standing to pursue litigation against President Trump in New Hampshire would lead a legitimate candidate in South Carolina to change his mind about paying the required ballot access fee in that state.
- f. **Michigan Primary – February 27, 2024. Not yet qualified to be on the ballot.** Mr. Castro claims in his affidavit (CM/ECF #68) that "Michigan law confirms that I will be on the ballot". He has a grave misunderstanding of Michigan law. The Secretary of State is required by law to issue a "list of individuals generally advocated by the national news media to be potential candidates." (MCL 168.615a). Mr. Castro was not named by Secretary of State Joceyln Benson when she publicly announced the list of candidates on

November 13, 2023 (a true and correct copy of the Michigan law and media announcement is attached as Exhibit W). He also was not named by the chairwoman of the Michigan Republican Party on her list of “potential presidential candidates” even though she listed Ryan Binkley, a recognized longshot presidential candidate (a true and correct copy is attached as Exhibit X). Since Mr. Castro was not named by either the Michigan Secretary of State or the chairwoman of the Michigan Republican Party, he is required to file a nomination petition with the Secretary of State with at least 13,249 nominating signatures (a true and correct copy is attached as Exhibit Y).

- g. **Idaho Caucus – March 2, 2024. Not yet paid to be on the ballot.** Mr. Castro has not yet paid the \$50,000.00 fee to qualify for the ballot (a true and correct copy of the Republican Party candidate list is attached as Exhibit Z).
- h. **Missouri Caucus – March 2, 2024.** There are no requirements for a candidate to participate in the caucus, but Mr. Castro has no activity and thus no campaigns staff to help drive caucus turnout. Missouri will likely follow Iowa Caucus rules as explained in the Columbia Missourian (a true and correct copy of which is attached as Exhibit AA). As in Iowa, without a campaign organization, Mr. Castro will have zero votes in the caucus.
- i. **Washington, D.C. Primary – March 3, 2024. Not yet qualified to be on the ballot.** Mr. Castro has not provided any evidence that he has obtained signatures on a petition from at least 1% of the district’s qualified voters, or from 1,000 voters, whichever is less, to qualify for the ballot (a true and

correct copy of the rules and DC Republican Party update is attached as Exhibit BB).

- j. **North Dakota Caucus, March 4, 2024. Not yet qualified to be on the caucus ballot.** Mr. Castro has not yet obtained 10 signatures from members of the state republican committee and paid the \$20,000.00 fee to qualify for the ballot as reported by the news media (a true and correct copy of which is attached as Exhibit CC).

43. As previously stated, a serious and competitive presidential campaign requires many components, however, there is none more important than qualifying for the ballot. Mr. Castro has made unverified claims to have millions of dollars in earned media. As noted above, I dispute the relevance and efficacy of that as a driver of success in a presidential campaign. But at a more basic level, a candidate for President of the United States who is not on the ballot in most of the first ten states by today's date, is not really and truly a national candidate for President.

44. Even if Mr. Castro qualifies for a Super Tuesday state contest, or a later contest such as Arizona, which is the 30<sup>th</sup> Republican Primary contest in the country, or West Virginia, which is the 45<sup>th</sup> contest, as publicly listed by the well respected and commonly sourced 270towin.com site (a true and correct copy of which is attached as Exhibit DD), he will have no prospect for success because he didn't qualify for the ballot in most of the first ten critically important contests.

45. At those later dates in the presidential nominating contest, success is built on momentum as political experts and pundits know, and history has proven. In 2016, Donald Trump won three of the first four contests and went on to win the Republican nomination. In 2012, Mitt Romney won three of the first five contests and went on to win the Republican



nomination. In 2008, John McCain won three of the first five contests and went on to win the Republican nomination. In 2000, George W. Bush won four of the first five states and went on to win the Republican nomination.

46. Additionally, as previously stated, according to his FEC filings, Mr. Castro has no receipts or funding to support a national political campaign, nor any expenditures made for a national political campaign for President.

**No Ability To Gain Financial Support**

47. There is no reason to expect that Mr. Castro will garner any substantial amount of financial support whether President Trump is in the race or not. There is no indication in any polling data, or in campaign activity on the ground, that would suggest to any experienced political professional that donations currently pouring into President Trump would, in President Trump's absence, flow to Mr. Castro who has so far reported just \$678 in contributions to his campaign nationwide as of September 30, 2023.

48. To the contrary, as I explain below, if Mr. Castro were to succeed in having President Trump disqualified from the ballot, it is inconceivable that President Trump's supporters would donate money to him rather than to a more established candidate whom they do not perceive as anti-Trump.

**In Summary: Zero Chance Of Success With Or Without Trump On Ballot**

49. Based on my experience with, and knowledge of, the Republican presidential primary process, there is no way that any experienced political campaign professional could reach any conclusion other than that Mr. Castro will be unable to win a significant number of votes in any presidential primary or caucus let alone win any delegates to the 2024 GOP Presidential Nominating Convention.

50. At this late date it will be impossible to create a serious campaign before the Republican Primary Presidential Process begins with the Iowa Caucus on January 15, 2024, less than two months away. That is not to say that he will receive zero votes—although that is possible. In every election, candidates ranging from Mickey Mouse to Vermin Supreme receive a smattering of protest votes. But that does not make them serious candidates or any threat to win any convention delegates.

51. Nor would my opinion change if President Trump were not on the ballot. Significantly, a CNN poll released on November 7, 2023 (A true and correct copy of which is attached as Exhibit EE), shows, among Republican primary voters, President Trump with a 79% favorable rating and 61% of the support nationally. Additionally, 79% of Republican primary voters say that President Trump is “part of the solution” and not “part of the problem.” Given President Trump’s extremely high approval ratings among Republicans, it is simply illogical, and wrong-headed, for Mr. Castro, whose sole existence is anti-Trump, to assert that he would garner any significant votes whether or not President Trump is even on the ballot.

52. In absence of President Trump, the other major candidates who are raising and spending millions of dollars, who have established name recognition and measurable support in the polls, who have campaign staff and support on the ground in the early primary states, and who are actively campaigning in the early primary states, would be the obvious beneficiaries of Mr. Trump’s support if he were forced to exit the race. Mr. Castro is not among that group.

53. Even the most anti-Trump candidate in the race for President, Chris Christie, is only receiving 2%. (Another anti-Trump candidate, Governor Asa Hutchinson, barely registers in the polls—although he has much more recognition than Mr. Castro—and has not made the stage

in the last several Republican primary debates.) Thus, even the anti-Trump lane, which is miniscule, is already occupied by established political figures like Chris Christie.

54. President Trump is wildly popular among Republican primary voters, and it is my professional opinion that his votes will not go to support someone who is anti-Trump, much less to someone who President Trump's supporters recognize as the person who deprived them of the right to vote for their preferred candidate. More to this point, as professional pollster, Mark Blankenship of West Virginia, stated in his testimony (Blankenship Declaration filed concurrently), "if anything, under those circumstances, it is reasonable to expect supporters of President Trump to be angry at Mr. Castro due to his efforts to disqualify President Trump."

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 21, 2023.




Michael Dennehy

STATE OF COLORADO                    )  
  )ss.  
COUNTY OF GRAND                    )

Taken, sworn to, and acknowledged before me, the undersigned authority, on this 21<sup>st</sup> day of November 2023, by MICHAEL DENNEHY in the County and State aforementioned.

Notarized online using audio-video communication

Joanna Bila  
Electronic Notary Public  
State of Colorado  
Commission #: 19974005174  
Commission Expires: 03/23/2025

  
Notary Public